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January 28, 2025

Hon. Jeremiah J. McCarthy
United States District Court
Western District of New York
2 Niagara Square
Buffalo, New York 14202

Dear Judge McCarthy:

Re: *Kistner v. City of Buffalo, et al.*
Case Nos.: 18-CV-00402 and 21-CV-00526
Our File No: 4246.23224

This joint request is being submitted on behalf of the plaintiffs and defendants in the above-referenced matters. As the Court knows, a mediation session has been scheduled with Magistrate Judge McCarthy for *Rupp v. City of Buffalo, et al.* (Civil No. 17-CV-01209), on February 13, 2025, at 2:00 PM.

Given that the City of Buffalo is a party in both the *Jim Kistner v. City of Buffalo* and *Earl Kistner v. City of Buffalo* actions, and that counsel for all parties in both matters will be present, we respectfully request that the mediation session include discussions related to both Kistner cases, should the Court find this approach acceptable. Consolidating the mediation in this manner would allow for a more efficient resolution of the matters and promote judicial economy.

Should the Court find it helpful, we are also amenable to participating in a conference to discuss the parameters of this consolidated mediation. We are prepared to make ourselves available at the Court's convenience to address any questions or concerns the Court may have regarding this request.

Additionally, in light of the scheduled mediation and to avoid potentially incurring unnecessary expert fees, we respectfully request that the plaintiffs' expert disclosure deadline, currently set to expire on February 28, 2025, be extended by 60 days, in addition to a similar extension for the other remaining deadlines in the Court's scheduling order for the *Earl Kistner v. City of Buffalo* matter. This extension would provide sufficient time for the parties to focus on resolving these matters through mediation.

We appreciate the Court's consideration of this request and are available to provide any additional information or documentation as needed.

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Thank you for your attention to this matter.

Respectfully submitted,

s/Chad A. Davenport

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